

THE ONTARIO HUMAN RIGHTS CODE, 1961-62 (as amended)

IN THE MATTER OF a complaint by Mr. Neville Tennant, that because of his race and colour he was denied occupancy of living accommodations in the building at 24 Austin Terrace, in the City of Toronto by Mrs. Georg Westenriader, owner, Toronto, Ontario.

Board of Inquiry

-

Dean R. St. J. Macdonald

Appearances:

E. Marshall Pollock
Counsel for The Ontario Human Rights Commission.

To The Ontario Human Rights Commission and to
the Honourable Dalton Bales, Minister of Labour for
the Province of Ontario.

Gentlemen:

Pursuant to my appointment by the Minister of Labour on November 10th, 1967 as a Board of Inquiry under The Ontario Human Rights Code to inquire into the above-cited complaint, I arranged for a hearing to be held in Committee Room No. 3 in the Main Parliament Buildings at Queen's Park on Thursday, February 8th, 1968.

At the opening of the hearing, counsel for the Commission advised me that after a lengthy process of conciliation the complaint had been settled in a manner satisfactory to the complainant, the Commission, the respondent and her solicitor. I was presented with the terms of the settlement and I indicated that I would be quite prepared to approve the same. The memorandum of Agreement and the three letters to which it refers were read into the record, and for purposes of clarity as well as completeness I will incorporate their main provisions in the following paragraphs.

The Memorandum of Agreement Between Mrs. Georg Westenriader and The Ontario Human Rights Commission was prepared and signed in the following terms:

Mrs. Georg Westenriader owner of the building having the municipal address of 24 Austin Terrace, Toronto, hereby affirms and declares that she subscribes to and supports the provisions of the Ontario Human Rights Code and states as follows:

1. I hereby agree to forward a suitably phrased letter of apology (as appended) to the complainant herein, expressing regret for any embarrassment or inconvenience that may have been caused him by this incident.
2. I further agree to meet with the complainant and the Commission and to assist the complainant in locating suitable accommodation by making inquiries on his behalf through normal real estate channels, advertising in Toronto daily newspapers and taking such further and other steps as may be reasonable and necessary in the circumstances to obtain such accommodation.

3. I further agree to forward to the Chairman of The Ontario Human Rights Commission a letter (as appended) advising of my compliance with The Ontario Human Rights Code.

4. I further agree to forward a suitably phrased letter of my non-discriminatory policy (as appended) to those community organizations interested in this case, a list of which will be provided to me by The Ontario Human Rights Commission.

5. I further agree that The Ontario Human Rights Commission shall be at liberty to make such follow-up investigations as it deems advisable, and I agree to offer every assistance to it in those efforts.

It is further agreed that this Memorandum of Agreement shall be treated in the same manner as a Ministerial Order made under the Ontario Human Rights Code, 1961-62.

The letters referred to in the Memorandum of Agreement were signed, and the letter to Mr. Tennant was delibered to him. The letter of apology was in the following terms:

Please be advised that it is my policy to treat all members of the public fairly in the rental of accommodations without regard to race, creed, colour, nationality, ancestry or place of origin.

I regret anything that may have been said or done that led you to feel that you were being discriminated against because of your race and colour.

As an act of good faith I hereby undertake to advise the Ontario Human Rights Commission of my next vacancy with the understanding that at such time you will be invited to apply for said vacancy and that your application will be given fair and courteous treatment.

I have further agreed to meet with you and representatives of the Ontario Human Rights Commission to review this matter and, in the event that I would, at that time, not have a vacancy or one for the reasonably near future, to make arrangements for my assisting you in obtaining suitable accommodations.

I understand that the Commission will make the arrangements for the above mentioned meeting and I trust that my assurances and undertakings will act to reassure you of my sincerity in this matter.

The letter to the chairman of the Ontario Human Rights Commission, referred to in paragraph 3 of the

Memorandum of Agreement, reads as follows:

This is to advise you that I am the owner of the building located at 24 Austin Terrace in Toronto and that, in the rental of accommodations it is my policy to treat all members of the public fairly without regard to race, creed, colour, nationality, ancestry or place of origin. With regard to the complaint of Mr. Neville Tennant I sincerely regret any statement or act on my part that may have led Mr. Tennant to feel that I discriminated against him.

As an act of good faith I will undertake to meet with Mr. Tennant and representatives of the Commission to clarify this matter and to make arrangements to invite Mr. Tennant to apply for my next suitable vacancy. In the event that I do not have a suitable vacancy at the time of our meeting nor have an indication of a pending vacancy I am prepared to review with the Commission and Mr. Tennant at the time of the aforesaid meeting steps which I might be able to undertake in good faith to assist Mr. Tennant in obtaining suitable accommodations elsewhere as set forth in the Memorandum of Agreement which I have signed and which accompanies this letter. The names of my present tenants and the dates of their tenancy is noted at the bottom of this letter.

In addition I am enclosing a copy of my letter of apology to Mr. Tennant. I am also attaching my signed letter setting forth my non-discriminatory policy which I would ask the Commission to forward to these community organizations interested in this case.

I trust that the assurances and undertakings outlined in this letter, the Memorandum of Agreement and other documents attached will serve to reassure you and the Commission of my sincerity in this matter.

Finally, the respondent's letter stating her non-discriminatory policy to interested community organizations, referred to in paragraph 4 of the Memorandum of Agreement, is as follows:

In compliance with an agreement involving the Ontario Human Rights Commission and myself I wish to advise that I am the owner of the building located at 24 Austin Terrace, Toronto. I rent living accommodations in this building and I wish to assure all interested parties that it is my policy to treat all members of the public fairly without regard to race, creed, colour, nationality, ancestry or place of origin.

I trust that this will serve to dispell suspicions about my policy that might have been held by members of the public.

In view of the matters outlined above, I recommend that no further action be taken in regard to Mr. Tennant's complaint. The complainant, the Ontario Human Rights Commission, the respondent and her solicitor are all to be congratulated for the spirit of tolerance and co-operation which made possible the realization of this very comprehensive settlement.

All of which is respectfully submitted.

(signed) R. M. Marshall
Board of Inquiry

Dated at Toronto, Ontario, this 3th day of July, 1963.

